

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION

IN RE: Donald & Judy Hilton)
Dist. 3, Map 73, Control Map 73, Parcel 4.00, S.I. 000) Hawkins County
Farm Property)
Tax Year 2006)

INITIAL DECISION AND ORDER

Statement of the Case

The subject property is presently valued as follows:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$30,900	\$24,100	\$55,000	\$13,750

An appeal has been filed on behalf of the property owner with the State Board of Equalization. The undersigned administrative judge conducted a hearing in this matter on October 31, 2006 in Rogersville, Tennessee. In attendance at the hearing were Donald Hilton, the appellant, and Hawkins County Property Assessor's representative David Pearson.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a twenty-five (25) acre tract improved with a 1981 model manufactured home, a 12 x 16 utility building and a wood deck. Subject property is located at 8484 Highway 66N in Rogersville, Tennessee.

The taxpayer indicated on his appeal form and at the hearing that he had “no idea” what constituted the market value of subject property as a whole. However, the taxpayer asserted at the hearing that the utility building should be valued at \$250 and the land at \$600 per acre. At present, the utility building is appraised at \$959 and the acreage, excluding the improvement site, at \$1,075 per acre.

The assessor contended that subject property should remain valued at \$55,000. In support of this position, the property record card was introduced into evidence. In addition, Mr. Pearson introduced the sales which were the basis for appraising “poor woodland” like the subject at \$1,075 per acre. Mr. Pearson also noted that subject home has been well maintained as evidenced by the addition of cedar siding approximately fifteen (15) years ago. Mr. Pearson maintained that subject home’s remaining economic life is substantially longer than the average home manufactured in 1981.

The basis of valuation as stated in Tennessee Code Annotated Section 67-5-601(a) is that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values . . ."

After having reviewed all the evidence in the case, the administrative judge finds that the subject property should be valued at \$55,000 as contended by the assessor of property.

Since the taxpayer is appealing from the determination of the Hawkins County Board of Equalization, the burden of proof is on the taxpayer. See State Board of Equalization Rule 0600-1-.11(1) and *Big Fork Mining Company v. Tennessee Water Quality Control Board*, 620 S.W.2d 515 (Tenn. App. 1981).

The administrative judge finds that the fair market value of subject property as of January 1, 2006 constitutes the relevant issue. Respectfully, Mr. Hilton candidly testified he had “no idea” of the value of subject property. The administrative judge finds that no sales or other evidence was introduced to substantiate Mr. Hilton’s opinion of the value of the utility building or acreage. Absent additional evidence, the administrative judge has no choice except to affirm the current appraisal based upon the presumption of correctness attaching to the decision of the Hawkins County Board of Equalization.

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax year 2006:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$30,900	\$24,100	\$55,000	\$13,750

It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:


1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal “**must be filed within thirty (30) days from the date the initial decision is sent.**” Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal “**identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order**”; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which

relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or

3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 8th day of November, 2006.



MARK J. MINSKY
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

- c: Donald & Judy Hilton
Don Cinnamon, Assessor of Property